



August 10, 2005

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: Ex Parte Comments:

In the Matter of Truth-in-Billing and Billing Format, CC Docket No. 98-170

In the Matter of National Association of State Utility Consumer Advocates'
Petition for Declaratory Ruling Regarding Truth-in-Billing, CG Docket No. 04-
208

Dear Ms. Dortch:

Enclosed for your records is a copy of a letter sent via email to Monica Desai, Bureau Chief of the Consumer & Governmental Affairs Bureau dated Wednesday, August 10, 2005, in the above-referenced dockets.

If you have any questions regarding this matter, please communicate with the undersigned.

Sincerely,

By: /s/ Jill Canfield
Jill Canfield
Sr. Regulatory Counsel
Legal and Industry

cc: Monica Desai

Attachment



August 10, 2005

Ms. Monica Desai, Bureau Chief
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: *Ex Parte* Comments:

In the Matter of Truth-in-Billing and Billing Format, CC Docket No. 98-170

In the Matter of National Association of State Utility Consumer Advocates'
Petition for Declaratory Ruling Regarding Truth-in-Billing, CG Docket No. 04-
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Dear Ms. Desai:

The National Telecommunications Cooperative Association (NTCA), the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), and the Western Telecommunications Alliance (WTA) (collectively, the Associations)¹ submit these *ex parte* comments in response to the Second Further Notice of Proposed Rulemaking (FNPRM) in the above mentioned proceeding.² The Associations desire to clarify their position about certain proposals regarding the truth in billing requirements.

In their initial comments, the Associations supported the Commission's proposal to obligate carriers to disclose material rates and terms of service at the point of sale or during a telephone conversation between the carrier and a consumer before the customer signs any contract. After reviewing the Reply Comments in this proceeding, the Associations recognize that their position may be subject to misinterpretation. To be clear, the Associations believe that carriers should be permitted to continue current practices of informing customers of reasonable estimates of any applicable taxes,

¹ The Associations are membership organizations that collectively represent the majority of independent rural incumbent local exchange carriers (LECs) providing service in the United States.

² *In the Matter of Truth-in-Billing and Billing Formant, National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing*, Second Report and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking, CC Docket No. 98-170, CG Docket No. 04-208, FCC 05-55 (rel. March 18, 2005).

Ms. Monica Desai, Bureau Chief
August 10, 2005
Page Two

surcharges and fees and provide more detailed information upon request. Rather than impose detailed, burdensome and costly new regulations regarding disclosures, the Commission should enforce disclosure requirements by investigating complaints and punishing any bad actors.³

The Associations oppose proposals to impose the terms and conditions of the legal settlement agreements between certain wireless carriers and several state attorneys general offices across the industry. The settlements were privately negotiated, litigation-based agreements. There is no evidence, nor a record to support imposing the terms of the agreements across the entire telecommunications industry

Respectfully submitted,

NATIONAL TELECOMMUNICATIONS
COOPERATIVE ASSOCIATION

By: /s/ Daniel Mitchell
Daniel Mitchell
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By: /s/ Jill Canfield
Jill Canfield
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THE ORGANIZATION FOR THE
PROMOTION AND ADVANCEMENT
OF SMALL TELECOMMUNICATIONS
COMPANIES

By: /s/ Stuart Polikoff
Stuart Polikoff
Director of Government Affairs

³ The Associations note that this is consistent with their position on all of the Truth in Billing requirements.

Ms. Monica Desai, Bureau Chief
August 10, 2005
Page Three

By: /s/ Stephen Pastorkovich
Stephen Pastorkovich
Business Development Director/
Senior Policy Analyst

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WESTERN TELECOMMUNICATIONS
ALLIANCE

By: /s/ Derrick B. Owens
Derrick B. Owens
Director of Government Affairs

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